IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.872 OF 2005

IN

SUIT NO.789 OF 2005

...

S.N. Karani & Co. ...Plaintiff

v/s.

Mr.Kalpesh Velinkar & Ors. ...Defendants

...

Mr.Amit Jamshindkar with Ms.Smita Vora i/b Shantilal and co. for the Plaintiff.

Mr.Saleh Doctor with Mr.Salil Shah i.b J & G. Bilimoria & Daruwala for the Defendants Nos.1, 2, 5

to 9.

Mr.S.Doctor with Shefali Desai i/b Shah & Sanghvi for Defendant No.3.

...

**CORAM: D.K.DESHMUKH, J.**

**DATED:** 15TH DECEMBER,2006

**P.C.:**

By order dated 10th November, 2006 passed in this Notice of Motion the Commissioner was appointed. The Commissioner has submitted a report dated 23-11-2006. That report is taken on record and marked "X" for identification. The Commissioner who is expert has clearly opined that Payroll package presently in use with Defendant No.2 is a new software system implemented from April, 2006 and the Payroll package in use with Defendant No.2 is not identical to the Payroll package, ownership of which is claimed by the Plaintiff.

. In view of this clear conclusion recorded in the

report, there is no room to grant any temporary injunction in favour of the Plaintiff. Motion is, therefore, disposed of. However, both the parties shall be at liberty to take out appropriate proceedings seeking appropriate reliefs.

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